

REMARKS/ARGUMENTS

Claims 33, 35-40, 43-45 and 50-75 are active.

Claim 33 is amended to be independent thereby incorporating limitations from previous independent claim 30 and the length requirement from claim 34.

Claim 45, while withdrawn due to the Restriction, has been retained for the Office's consideration of rejoinder.

Claims 50-75 list the amino acid sequences individually from Claim 33. All non-elected species have been retained so that pursuant to Applicants prior request in the Response to Restriction, the Office can expand its search and consideration to all species found in the claims.

No new matter is added.

Claims 30, 34, 36, 38, 39 and 42-44 are rejected under 35 USC 102(b) in view of Eichler, Claims 30, 35-40, 43 and 44 are rejected under 35 USC 102(b) in view of Abadie, and Claims 30, 33, 35, 36, 38, 41, 43, and 44 are rejected under 35 USC 103(a) in view of Homburger.

First and notably absent from every rejection as well as the art cited is teachings relevant to the limitation that was presented in the claims before and that remains in the claims now: "wherein said compound binds to an antibody specific for DAEFRH (SEQ ID NO: 1), but wherein X₁X₂X₃X₄X₆ is not DAEFRH (SEQ ID NO: 1)." While Applicants understand that, during the prosecution of an application in the Office, claims are to be given their broadest reasonable interpretation consistent with the teaching in the specification (*In re Bond*, 710 F.2d 831, 833 (Fed. Cir. 1990)), it is error to disregard express limitations in the claims.

Nonetheless, as acknowledged by the Office in the rejections the art cited does not describe or fairly suggest the limitations of Claims 33 (see rejections of Eichler and Abadie) and the limitations of Claim 34 (see rejection of Bomburger). Therefore, the combination of

Claims 33, 34 with Claim 30 as now presented in Claim 33 is not described or suggested by these citations.

Eichler teaches specific 12-mer peptides, none of which are the amino acid sequences defined in Claim 33.

Abadie is cited for teaching of ovalbumin, which is not the same as the amino acid sequences in Claim 33.

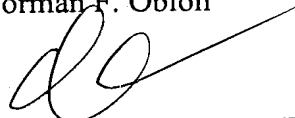
Homberger is cited because a larger sequence (SEQ ID NO:32985) includes SWERFT amongst a sequence of about 140 amino acids. Homberger, however, does not describe a compound as in the claims which is 5 to 15 amino acids in length. Nor does Homberger provide any reasonable suggestion for the limitation of antibody binding.

In view of the above and the amendments submitted here, withdrawal of the rejections is requested.

There be no further issues, a Notice of Allowance is requested.

Respectfully submitted,

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